

## BUILDING CODE – CHAPTER 3

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## CHAPTER 3 - BUILDING CODE

Section 3-101. Building Code. The Minnesota State Building Code, established pursuant to Minnesota Statutes, Sections 16B.59 to 16B.75, one copy of which is on file in the office of the city clerk is hereby adopted as the building code for the City of Brooklyn Center. Such code is hereby incorporated in this ordinance as completely as if set out in full.

A. The following chapters of the Minnesota State Building Code are adopted and incorporated as part of the building code for the City of Brooklyn Center:

1. 1300 – Administration of the State Building Code
2. 1301 – Building Official Certification
3. 1302 – Construction Approvals
4. 1303 – Minnesota Provisions of the State Building Code and Window Fall Prevention and Radon
5. 1305 – Adoption of the 2012 International Building Code with State Amendments
6. 1307 – Elevators and Related Devices
7. 1309 – 2012 International Residential Code with State Amendments
8. 1311 – 2012 International Existing Building Code Adopted with State Amendments
9. 1315 – Adoption of the 2014 National Electrical Code
10. 1322 – 2012 International Energy Conservation Code (Residential Provisions) Adopted with State Amendments
11. 1323 – International Energy Conservation Code (Commercial Provisions) Adopted with State Amendments
12. 1325 – Solar Energy Systems
13. 1335 – Floodproofing Regulations
14. 1341 – Minnesota Accessibility Code Amends 2012 International Building Code, Chapter 11 (is based on ICC/ANSI A117.1/2009)
15. 1346 – 2012 International Mechanical and Fuel Codes adopted with State Amendments

16. 1350 – Manufactured Homes
17. 1360 – Prefabricated Buildings
18. 1361 – Industrialized/Modular Buildings
19. 1370 – Storm Shelters (Manufactured Home Parks)
20. 4714 – 2012 Edition of Uniform Plumbing Code with State Amendments
21. 7511 – Minnesota Fire Code
22. Minnesota Energy Code, Minnesota Rules, Chapter 7670 as provided in Minnesota Statutes Section 16B.617, and Minnesota Rules, Chapters 7672, 7674, 7676, and 7678.

B. The following optional chapters of the Minnesota State Building Code are hereby adopted and incorporated as part of the building code for the City of Brooklyn Center:

1. International Building Code Appendix J (Grading)
2. 1306, Special Fire Protection Systems, 1306.0020 Subpart 2 Existing and New Buildings
3. 1335, Floodproofing regulations parts 1335.0600 to 1335.1200.

Section 3-102. IMPLEMENTATION AND ENFORCEMENT.

- A. The building official, acting under the administration of the community development director, is hereby authorized to implement and enforce the provisions of the building code and to delegate enforcement authority to his subordinates.
- B. Right of Entry. Upon presentation of proper credentials the building official or his duly authorized representatives, may enter at reasonable times any building, structure, or premises in the City to perform the duties imposed upon him by the building code.
- C. Stop Orders. Whenever any work is being performed contrary to the provisions of the building code, the building official may order the work stopped by written notice served on persons engaged in doing or causing such work to be performed, and such persons shall forthwith stop such work until otherwise authorized by the building official.
- D. Occupancy Violations. Whenever any building is being used contrary to the provisions of the building code, the building official shall issue notice and order such use discontinued.

The notice and order shall:

1. Be in writing.
2. Describe the location and nature of violation.
3. Establish a reasonable time for the remedy of any violation.
4. Be served upon the owner or his agent or the occupant, as the case may require. Such notice may be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is: served upon him personally, or sent by registered mail to his last known address, or as a last resort posted in a conspicuous place in or about a subject building.

E. Hazardous and Substandard Buildings. All buildings which are structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the provisions of Minnesota Statutes 463.15 through 463.26.

F. Board of Appeals. A Board of Appeals is hereby created for the purpose of hearing and rendering a determination regarding conflicting interpretations of the provisions of the building code and regarding conflicting opinions of the suitability of alternate materials and methods of construction. The Board of Appeals shall consist of the City Council which may engage qualified persons to provide technical advice on matters under consideration. Appeals to the board must be filed in writing with the city clerk. Within thirty days after an appeal is filed the Board of Appeals shall hear the appeal, providing not less than five business days notice to the appellant of the time and place for hearing the appeal. All decisions of the board shall be reported to the state building inspector within fifteen days after such decision is made.

G. Violations and Penalties. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or system, or cause the same to be done, contrary to or in violation of the provisions of the building code. Any person, firm, or corporation who does any act or admits to do any act which constitutes a violation of the building code shall, upon conviction thereof by lawful authority, be punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment together with the costs of prosecution.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

### Section 3-103. PERMITS AND INSPECTIONS.

A. Permits Required. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, improve, remove, convert, move, or demolish any building or structure in the City, or cause the same to be done, nor shall any person, firm, or corporation install, alter, or repair any of the following systems without first obtaining an appropriate permit from the building official as follows:

1. Building Permit
2. Plumbing System Permit
3. Electric System Permit
4. Mechanical System Permit
5. Fire Suppression
6. Fire Alarm

B. Eligibility for Permits. Any person is hereby declared eligible for a building permit, plumbing system permit, electric system permit, and mechanical system permit to do work which complies with the provisions of the building code on premises or that part of premises owned and actually occupied by him as his homestead. However, no permit will be issued to other than Minnesota licensed plumbers for connections to the City sewer and water systems. Any person engaged in the business of installing water softeners shall be eligible for a plumbing system permit to connect water softening or filtering equipment, provided openings have been left for that purpose making it unnecessary to extensively rearrange or alter the water piping system.

Otherwise, permit issuance shall be limited as follows: Permits to do work on plumbing systems shall be issued only to Minnesota licensed plumbers, permits to do work on electric systems shall be issued only to Minnesota licensed electricians, and mechanical system permits shall be issued only to those licensed by the City of Brooklyn Center or to Minnesota licensed plumbers.

C. Application for Permits. To obtain a permit the applicant shall first file a written application therefor on a form furnished for that purpose. Application shall:

1. Identify and describe the work to be covered by the permit.
2. Describe the specific location at which the proposed work is to be done.

- 3 . State the intended use or occupancy in the case of a building permit.
4. State the valuation of the proposed work and be accompanied by construction documents and other information as required by the code.
5. Be signed by the permittee or his authorized agent.
6. Provide such other information as reasonably may be required by the building official.

D. Submission of Plans and Specifications. Each application for a building permit shall include at least three sets of plans and specifications for one and two family dwellings and residential accessory buildings, all multiple family dwelling and accessory buildings, commercial buildings, industrial buildings, and other nonresidential buildings. Building plans and specifications shall bear the certification of a Minnesota registered architect and/or engineer in the case of all multiple family buildings and nonresidential buildings, and in all other cases when required by the building official. At the discretion of the building official plans and specifications need not be submitted for the following:

Plans and specifications shall be drawn with sufficient clarity and detail to assure total conformity with provisions of the building code, as determined by the building official. Computations, stress diagrams, and other data sufficient to justify the plan detail shall be submitted when required by the building official.

Plans for all new one and two family residential buildings and building additions shall include an accurate dimensioned plot plan showing the size and location of all existing and proposed buildings, and the legal boundaries of the property. An accurate survey of the property certified by a Minnesota registered land surveyor shall be submitted when required by the building official. Plans for all other buildings and building additions shall include an accurate dimensioned site plan as approved under the requirements of the zoning ordinance.

Information appropriately certified, relative to soil conditions, topography, and the like shall be submitted as required by the building official.

Each application for a plumbing system, electrical system, or mechanical system permit shall include detailed plans and specifications when required by the building official. Such plans and specifications shall bear the certification of a Minnesota registered architect and/or engineer when required by the building official.

E. Issuance of Permits. The application, plans, and specifications filed in support of a permit shall be reviewed by the building official to assure conformance to the requirements of the building code and compliance with other laws and ordinances of the City. Upon payment of an established permit fee the building official shall formally endorse the submitted plans and specifications as "approved" and shall issue a permit therefor to the applicant.

Approved plans and specifications shall not be changed, modified, or altered during construction or installation without authorization from the building official.

The building official may issue a "partial permit" for the construction or installation of a part of a building or system before the complete plans and specifications have been submitted, provided that adequate information and detailed statements have been submitted complying with pertinent requirements of the building code. The issuance of such a "partial permit" shall not represent unqualified assurance that a permit for the entire building or system will be issued.

The issuance of a permit shall in no circumstances be construed as license to violate any of the provisions of the building code. Neither shall the issuance of a permit based upon erroneous or ambiguous plans and specifications constitute approval to violate provisions of the building code or of any other ordinances of the City.

**F. Permit Expiration, Suspension, or Revocation.** Every permit issued by the building official under the provisions of the building code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned for a consecutive period of 180 days at any time after the work is commenced. Within a one year period from date of expiration an expired permit may be renewed provided there are no changes proposed from the original plans and specifications and provided that a fee is paid amounting to one-half of the amount required for the original permit.

The building official may, in writing, suspend or revoke a permit issued under the provisions of the building code whenever the permit is issued in error or on the basis of incorrect information supplied, or in case of violation of any ordinance or regulation or any of the provisions of the building code.

**G. Permit Fees.**

1. **Building Permit Fees.** The fee for any building permit shall be determined by the fee schedule adopted by City Council resolution based on the valuation of each building project. The building project valuation referred to therein shall be computed using the up-to-date average construction cost per square foot established from time to time by the State building inspector.
2. **Plumbing Permit Fees.** Fees shall be calculated according to the schedule set forth by City Council resolution.

3. Electrical System Permit Fees. Fees shall be calculated and paid according to the schedule set forth by City Council resolution.
4. Mechanical System Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.
5. Double Fee for Work Started Without Permit. Where work for which a permit is required by the building code is commenced or undertaken before a permit has been obtained, the fees above specified shall be doubled; but the payment of such double fee shall not relieve persons from fully complying with requirements of the building code or other City Ordinances.
6. Fee Refunds. There shall be no refund of any permit fee collected in accordance with this chapter when the fee so collected is one hundred dollars (\$100) or less. For permits which are canceled after issuance, where no authorized work has been done, a refund of eighty percent (80%) of the permit fees collected in excess of \$100 may be granted; in no case shall the fees retained exceed \$150. If any work authorized by the permit has been started, the amount of fees retained, over and above the \$100 maximum, shall be determined by the Building Official commensurate with the percentage of work completed. Plan checking fees are not refundable.

All claims for refunds shall be made in writing by the original permittee and shall be made within forty-five (45) calendar days from the payment of said fees.

Appeals for relief from the above refund policy shall:

- be made in writing by the original permittee.
- be made within forty-five (45) calendar days from the payment of said fees.
- include a detailed explanation of circumstances which are the grounds for the appeal.

- H. Inspections. All work for which a permit is required shall be subject to inspection by the building official and his representatives. Additionally, the building official may require the permittee to employ an approved, qualified special inspector who shall work under the jurisdiction of the building official to inspect construction work involving specialized knowledge and skill. Permittees shall cooperate with the building official in calling for inspections on those segments of the work as determined by the building official.

No reinforcing steel or structural framework or other system work shall be covered or concealed without first obtaining the approval of the building official. There shall be a final inspection and approval of all buildings and systems when completed and ready for occupancy and use.

- I. Certificate of Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made unless the building official has issued a Certificate of Occupancy therefor. Changes in the character or use of a building shall not be authorized if a new or proposed use is more hazardous in terms of life and fire risk than in the existing use. Upon a determination that a building complies with the provisions of the building code, the building official shall issue a certificate of occupancy in a form of his or her determination. A temporary certificate of occupancy may be issued at the discretion of the building official for a particular portion of a building prior to completion of the entire building.

#### Section 3-104. ADDRESSING OF BUILDINGS.

- A. Purpose. The City Council finds that for the purpose of providing proper protection of public and private property in the City of Brooklyn Center, it is essential to require visible approved addressing or identification for each separate public, residential, commercial or industrial building.
- B. Addressing System. The maintenance of a uniform and sequential system of assigned street numbers or approved identification for all public, residential, commercial and industrial buildings shall be established.

The official record of said system shall consist of the plat maps for the City of Brooklyn Center with assigned addressing indicated.

Citizens and property owners shall be informed of appropriate addresses upon request, upon issuance of building permits, or upon determination that existing structures have improper addressing as required by this ordinance.

- C. Addressing Required. It shall be the responsibility of the owner, lessor, or occupant of every residential, commercial, and industrial building in the City of Brooklyn Center to maintain upon said building or premises assigned numbers or approved identification as set forth in this section.
  1. The proper address shall be that assigned and/or approved by the director of planning and inspection.

2. Address numerals for one and two family dwellings shall be at least three (3) inches in height; shall be of durable materials; shall be of contrasting color to the base to which they are attached; preferably said numerals will be made of reflectorized materials.
3. Address numbers or identification for all other dwelling buildings and complexes, public buildings, commercial buildings, and industrial buildings shall conform with the above criteria, except that the director of planning and inspection may require numerals exceeding three (3) inches in height.
4. Address numbers or identification shall be placed so to be directly and conveniently visible for emergency services as follows:
  - a. In the case of one and two family units the addressing shall be attached to the building at the front entrance or such other location approved or required by the director of planning and inspection.
  - b. In the case of multiple dwelling and townhouse complexes approved addressing shall be attached to the buildings at the main entrance nearest the adjoining driveway, public or private street, and at such other locations as directed by the director of planning and inspection. In the case of dwelling complexes which may be assigned a common address, addressing shall be displayed in a manner approved by the director of planning and inspection at the main entrance(s) to the complex.
  - c. In the case of individual detached commercial and industrial establishments, addressing shall be attached to the building at the front entrance and at such other location as may be required by the director of planning and inspection.
  - d. In the case of attached commercial and industrial establishments, clustered in a complex or in a multitenant building, approved addressing shall be attached to the building at the main entrance(s) to the establishment(s), nearest the adjoining driveway, public or private street, and at such other locations as directed by the director of planning and inspection. In the case of complexes or multitenant buildings which may be assigned a common address, addressing shall be displayed in a manner approved by the director of planning and inspection at the main entrance(s) to the complex.

5. Individual dwelling units in multifamily dwellings, and individual tenant areas in multitenant commercial and industrial buildings, which have entrances not facing on adjoining public or private street or driveway, shall have permanent, approved addressing placed at each entrance to said dwelling or tenant area. In the case of multistory buildings, said addressing shall be sequential, corresponding with the respective floor or level.

D. Exception. Accessory buildings as defined in Chapter 35-900 shall be exempt from the requirements of Section 3-104, Addressing of Buildings.

E. Penalties. Whoever does any act or omits to do any act which constitutes a breach of any section of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

No provision of this ordinance designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this section for failure to perform such duty.